

## **REMARKS/ARGUMENTS**

### **I. Introduction:**

Claims 1-18 are currently pending.

### **II. Double Patenting:**

A Terminal Disclaimer is submitted herewith to overcome the provisional obviousness-type double patenting rejections.

### **III. Claim Rejections – 35 U.S.C. 103:**

Claims 1-18 stand rejected under 35 U.S.C. 103(b) as being unpatentable over U.S. Patent No. 5,190,666 (Bisconte) in view of U.S. Patent No. 6,190,619 (Kilcoin et al.).

Bisconte discloses an apparatus for filtering a plurality of fluid samples containing particles such as bacteria. The apparatus may be used, for example, in analyses performed in the food industry (e.g., milk, beer, mineral water, fruit juice) in which the presence of bacteria must be monitored. As shown in Fig. 2, the apparatus includes two clamping blocks 5a and 5b. Clamping block 5a includes a perforated plate 13a. Air under pressure is injected into chamber 27 via orifice 28 provided through enclosure 8a of clamping block 5a. Plate 13a includes an opening for passing air under pressure into chamber 27 so that samples are delivered to filters 2a, 2b via dip tubes 21, pipes 12a, and gasket 3. Clamping of the block 5a and tray 20 creates the sealed chamber 27 between the perforated plate 13a, block 5a, and the storage wells 19.

As noted by the Examiner, Bisconte does not teach a plurality of reaction wells that can be fluidically isolated from one another.

Kilcoin et al. disclose an apparatus for parallel synthesis of compounds. The apparatus comprises a frame 12 having a plurality of reaction vessels 16, and a lid 20 movable between an open position and a closed position which provides a gas-tight seal for the reaction vessels. The lid includes a fluid manifold 38. As shown in Fig. 3, the manifold includes passages 42, 44 aligned with holes 40 in lid 20. A cap vent 54 is rotatably mounted between each of the reaction vessels and the fluid manifold and includes openings for aligning with fluid passages 42, 44. The cap vent includes a hub 68 for insertion into opening 66 of vessel 16. The hub is configured to generate a radial gas seal with opening 66 of the vessel. In some embodiments, the manifold includes elastomeric layers 96 which provide resilience to maintain a seal with the cap vent 54.

The apparatus of Kilcoin et al. provides individually sealable reaction vessels. There is no common pressure chamber in communication with a plurality of reaction wells.

The Examiner states that one would add the cap and lid teachings from Kilcoin et al. in order to provide isolated and controlled fluid communication to and from the reactors.

Applicants respectfully submit that there is no suggestion to combine the teachings of Kilcoin et al. with Bisconte to produce the claimed invention. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. As discussed above, Bisconte is concerned with filtering a plurality of samples through a filter and uses a plurality of vessels exposed to a common pressure chamber. The chamber is pressured by compressed air in the range of 1 bar to 7 bars (15-102 psig), or higher (col. 8, lines 11-16). In contrast, the apparatus of Kilcoin et al. is used for synthesizing chemical compounds using a plurality of individually sealable reaction vessels. When pressures in the reaction vessel exceed about 18-20 psi, pressure is released for the individual reaction vessel. As noted at col. 7, lines 15-17, excess pressure can be vented from a single reaction vessel without interfering with the seal and synthesis reactions occurring in adjacent reaction vessels. Hence, absent improper

hindsight, there is no motivation existing in the art for combining the teaching of these references.

Even assuming, for the sake of discussion, that one would look to Kilcoin et al. for a way to modify the apparatus of Bisconte, as suggested by the Examiner, this would not necessarily lead to Applicants' invention. In particular, the invention defined by claim 1 requires a plurality of reaction wells in isolatable fluid communication with a pressure chamber so that the reaction wells can be simultaneously pressurized through common fluid communication with the pressure chamber in one stage of operation and each of the wells can be fluidically isolated from one another during another stage of operation. If the cap and lids of Kilcoin et al. were somehow incorporated into the apparatus of Bisconte, the reaction wells would then no longer be in common fluid communication with a pressure chamber. Therefore, adding the caps and lid of Kilcoin et al. in order to individually pressurize each well of Bisconte would not lead a person of ordinary skill in the art to the invention of claim 1.

Accordingly, claim 1 is submitted as patentable over Bisconte and Kilcoin et al. Claims 2-7, depending either directly or indirectly from claim 1, are submitted as patentable for at least the same reasons as claim 1.

Claims 2-7 are further submitted as patentable over the art cited, which does not show or suggest a group of reaction wells fluidically isolated from another group of reaction wells during a stage of operation.

Claim 8 is submitted as patentable over Bisconte and Kilcoin et al., because neither reference shows or suggests a flow restriction device comprising a plurality of check valves each configured to allow flow from a pressure chamber into one or more reaction wells and restrict flow from the reaction wells into the pressure chamber.

Claims 9-13, depending directly from claim 8, are submitted as patentable for at least the same reasons as claim 8. Claims 9 and 10 are also submitted as patentable for the reason discussed above with respect to claims 2-7.

Claim 14 and claims 15-18, depending therefrom, are submitted as patentable over Bisconte and Kilcoin et al. for the reasons discussed above with respect to claims 1 and 2-7.

IV. Conclusion:

For the foregoing reasons, Applicants believe that all of the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 399-5608.

Respectfully submitted,



Cindy S. Kaplan  
Reg. No. 40,043

P.O. Box 2448  
Saratoga, CA 95070  
Tel: 408-399-5608  
Fax: 408-399-5609